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PATENT APPLICATION  
Attorney Docket No.: 20920.NP

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

ART UNIT: 3673  
EXAMINER: Luu, Tuyet Phuong Pham  
APPLICANT: Wendell Martens  
SERIAL NO.: 10/603,070  
CONFRM. NO.: 8602  
FILED: 06/23/2003  
FOR: MEMORY FOAM MATTRESS  
SYSTEM  
DOCKET NO.: 20920.NP

RESPONSE/  
AMENDMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

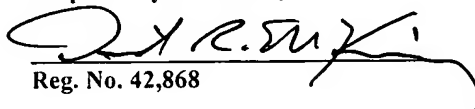
Dear Sir:

In response to the Office Action, mailed July 27, 2004, Applicant offers the following Election and requests reconsideration of the above-captioned application.

CERTIFICATE OF DEPOSIT

I hereby certify that this paper or fee (along with any paper or fee referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on August 27, 2004.

Respectfully submitted,

  
Reg. No. 42,868

### ELECTION

In response to the election/restriction requirement of July 27, 2004, the Applicant provisionally elects, without traverse, invention I as identified in the Office Action, the claims being readable thereon being claims 1-19.

### REMARKS

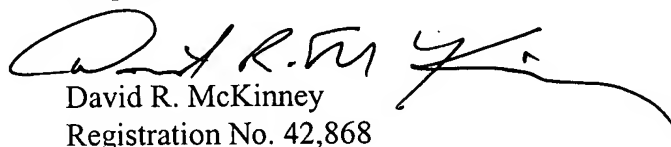
The Applicant expresses appreciation to the Examiner for consideration of the subject patent application. The Applicant notes that the status of claims 9-11 and 12-16 is somewhat uncertain from the text of the Office Action. Specifically, while the Examiner noted the presence of those claims, the Examiner's identification of inventions to which examination will be restricted did not list those claims. The Applicant respectfully submits that because claims 9-11 and 12-16 are dependent upon claim 1, these claims are part of invention I as identified by the Examiner, and should be examined as part of the elected invention.

### CONCLUSION

In light of the above, Applicant respectfully requests examination of claims 1-19 on the merits. If any impediment remains after entry of this Election, the Examiner is strongly encouraged to call David R. McKinney at (801) 566-6633 so that such matters may be resolved as expeditiously as possible. The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 27<sup>th</sup> day of August, 2004.

Respectfully submitted,

  
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